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May 14, 2021

VIA ECF

The Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Conti v. Doe*, Case No. 17-CV-9268 (VEC)

Dear Judge Caproni:

We write jointly on behalf of the parties in response to the Court's May 13, 2021 Order requiring that "[n]o later than May 14, 2021 at 2:00 p.m., the parties ... submit a joint letter indicating the parties', attorneys', and witnesses availability to commence trial on August 23, 2021." (Dkt. No. 286) (Emphasis omitted).

Plaintiff's Position

Plaintiff Dr. Paul Conti, his respective counsel, and witnesses are ready and available to proceed at trial on August 23, 2021. There is one potential exception, in that we know that Plaintiff's treating Psychiatrist, N. Gregory Hamilton, M.D., will be travelling from August 28, 2021, through September 4, 2021. We have inquired as to whether Dr. Hamilton can testify in New York before his scheduled trip, and have not received confirmation as of yet, although we are optimistic that it will be possible for him to do so. If not, we would ask for some flexibility regarding Dr. Hamilton's testimony, *e.g.*, whether he could appear remotely or via a *de bene esse* deposition. However, we are hopeful that this will not be necessary and do not believe that the uncertainty about Dr. Hamilton's availability in New York should prevent the Court from confirming an August 23rd trial date. As soon as we have confirmation from Dr. Hamilton, we will inform the Court and Defendant's counsel.

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Defendant's Position

Defendant John Doe and his counsel are available to proceed to trial on August 23, 2021, but one of Doe's experts (Dr. Cohen) will not be available until September 7, 2021, and the other expert (Dr. Appelbaum) is not available August 29, 2021 through August 31, 2021. We have inquired whether Dr. Cohen could be available to testify remotely during the week of August 23 and will apprise the Court and counsel for Dr. Conti as soon as possible. As an observant Jewish person, Doe would not be able to participate in trial during the following Jewish holidays in September: Rosh Hashanah (September 6-8), Yom Kippur (September 15-16), and Sukkot (September 20-27).

Both parties reserve any objections.

Respectfully yours,

/s/ Peter B. Schalk

Peter B. Schalk

cc: All counsel of record (via ECF)